

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

10X GENOMICS, INC. and PRESIDENT AND
FELLOWS OF HARVARD COLLEGE,

Plaintiffs,

v.

NANOSTRING TECHNOLOGIES, INC.,

Defendant.

C.A. No. 22-261-MFK

SCHEDULING ORDER

Further to this Court's Orders dated September 19, 2022 (D.I. 55) and April 5, 2023 (D.I. 103) the Court enters the following schedule to manage the progress of this case. Accordingly, it is therefore ORDERED that the following events shall take place by the dates provided:

Event (261 Case)	Deadline
Initial Invalidity Contentions (U.S. Patent No. 11,542,554)	April 21, 2023
10x/Harvard's Identification of 20 or Fewer Claims	May 19, 2023
Exchange of claim terms and proposed constructions	June 2, 2023
Substantial completion of ESI production using a party's own search terms	June 9, 2023
The parties will submit a proposal for coordination of depositions with respect to overlapping witnesses	June 20, 2023
Parties shall exchange proposed constructions for terms offered by other parties	June 23, 2023
Exchange of ESI search terms for opposing parties' custodians and sources	June 30, 2023
Supplementation of Accused Products and Invalidity References	July 21, 2023
Submit joint claim construction chart	August 4, 2023

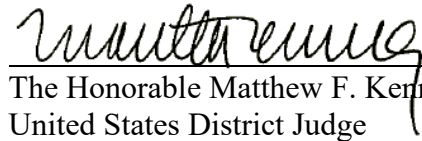
Event (261 Case)	Deadline
Service of opening claim construction brief(s) ¹	August 18, 2023
Substantial Completion of Document Production	August 25, 2023
Service of answering claim construction brief	September 15, 2023
Parties shall make any <i>claim construction</i> expert witnesses available for deposition (subject to expert availability)	September 19-26, 2023
Service of reply claim construction brief(s)	October 6, 2023
Motions to Amend or Supplement Pleadings	October 13, 2023
Parties shall file a Joint Claim Construction Brief; technology tutorials; and joint letter regarding live testimony and amount of time for the claim construction hearing	October 20, 2023
Claim Construction Hearing	December 15, 2023 ² (10 am CT)
10x/Harvard's Final Infringement Contentions (20 or Fewer Claims) Final Invalidity Contentions (no more than 25 prior art references; 4 prior art grounds per claim; 4 non-prior art grounds per claim)	30 days after Court's claim construction order
Final Non-Infringement Contentions Final Validity Contentions	60 days after Court's claim construction order
Last Day to Serve Discovery Requests (ROGs, RFAs, RFPs)	February 14, 2024
Fact Discovery Cut Off	March 15, 2024
Opening Expert Reports	April 5, 2024

¹ The parties will meet and confer to resolve which parties will address which asserted patents in each of the three rounds of claim construction briefing given that Vizgen and NanoString have each asserted counterclaim patents against 10x. Consistent with the guidance from this Court and this Court's Scheduling Order (D.I. 55), NanoString and Vizgen's combined claim construction briefing will not exceed 40 cumulative pages; Harvard and 10x's combined claim construction briefing will not exceed 40 cumulative pages; and there will be no more than three rounds of claim construction briefs submitted.

² Counsel for 10x has a potential conflict on December 15, 2023 due to an evidentiary hearing currently set to be held December 11-December 15, 2023 before the International Trade Commission in Washington, D.C. in Investigation No. 337-TA-1343, *In the matter of certain video processing devices and components thereof* (see Order No. 7). Counsel for 10x in this matter are also counsel for Complainant in that ITC investigation. If necessary, 10x will raise this conflict with this Court as the date approaches.

Event (261 Case)	Deadline
Rebuttal expert reports	May 10, 2024
Reply expert reports	June 7, 2024
Completion of expert discovery	June 21, 2024
Opening briefs for dispositive motions and Daubert motions	July 12, 2024
Responsive briefs for dispositive motions and Daubert motions	August 2, 2024
Reply briefs for dispositive motions and Daubert motions	August 9, 2024
The parties shall file with the Court the joint proposed final pretrial order in compliance with Local Rule 16.3(c) and the Court's Preferences and Procedures for Civil Cases not later than seven (7) days before the pretrial conference	7 days before pretrial conference
Pretrial Conference	September 23, 2024
Trial	September 30, 2024

Dated: April 11, 2023


The Honorable Matthew F. Kernelly
United States District Judge

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Cameron P. Clark

Karen Jacobs (#2881)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
kjacobs@morrisnichols.com
cclark@morrisnichols.com

Attorneys for 10x Genomics, Inc.

MORRIS JAMES LLP

/s/ Cortlan S. Hitch

Kenneth L. Dorsney (#3726)
Cortlan S. Hitch (#6720)
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801-1494
(302) 888-6800
kdorsney@morrisjames.com
chitch@morrisjames.com

*Attorneys for President and Fellows
of Harvard College*

FARNAN LLP

/s/ Brian E. Farnan

Brian E. Farnan (#4089)
Michael J. Farnan (#5165)
919 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0300
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

Attorneys for NanoString Technologies, Inc.